Proceedings of the Collector of South Kanara, dated 16th June 1928

C.G. Herbert, Esquire. I.C.S.

Advances - Loans - Mangalore Taluk - Kenjar village Rs.1000 - Summary recovery - Sale of land - Protest.

Petition dated 15.6.1928 from Ujju alias Mundiappu Shedthi and Subbu Alvathi.

I cannot interfere with the order already passed.

Sd. C.G. Herbert,
Collector.

True Copy:
(By Order)

R.C.C.No.2944-33-28.

Proceedings of the Collector of South Kanara, dated the 5th April 1928.

C. G. Herbert, Esquire, I.C.S.

Advances - Loans - Agriculturists Loans Act - Mangalore Taluk - Kenjar village - Rs.1000/- Borrowers U. alias Subbu Alvathi and Mandyappu Shedthi - summary Recovery - Protest - orders passed.

Mangalore Tahsildar's report M.Ref.C.130 Sup.-3, dated 20th March 1928 received with the Revenue Divisional Officer's endorsement M.Dis.C.5288-27-2, dated 28th March 1928.

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The work was not completed within the maximum period allowed by the rules and the order for summary recovery cannot therefore be cancelled.

Subject.—

FOR MEMBER.

As(Sett)

Advances Loans - S. Kan
Mangalam th. Manjak.
Uppmalias Sabha Alvathu
and Mem - Annan - sahodara
Appeal Petn.

READ AGAIN B. P. No. _____ dated _____ 192

" " " _____ " _____ 192

READ ALSO :—

Register No. _____, From the _____, No. 7426o, dated _____ 192

H 1-5(

" _____ " " _____ " _____ " _____ 192

" " _____ " " _____ " _____ " _____ 192

7H 4260/28-1

~~RESOLUTION.~~ Petn No. _____, dated 26-6 1928

Referred to the Coll^r of
S. Kanara for report
with the connected records

26/6/28

Kms
26.6.28

JH
26.6.28

Ref. R3-5577-28.

South Kanara Collector's Office,
Mangalore, 13th July 1928.

From

C.G. Herbert, Esquire, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir,

Advances - Loans - (South Kanara) - Mangalore Taluk - Mangalore - Ujju alias Subbu Alvathi and another - summary recovery - appeal petition - report submitted.

Board's Reference F.4260-28-1, dated 26th June 1928.

The petitioners appeal against the order of summary recovery of the entire loan amount of Rs.1000/- granted to them on 20th October 1925 under the Agriculturists' Loans Act.

2. Mr. Wells sanctioned the loan in question in L.O. 5 25-26 dated 15th October 1925 for rebuilding two tenants' houses which had been destroyed by the floods, subject to the condition that the amount should be utilised for the purpose for which it was granted within one year. The Tahsildar of Mangalore disbursed the loan to the petitioners on 20th October 1925 in L.O.No:37/35. Thus the borrowers had to complete the work by 20th October 1926.

however, proceeded with building work on the land and they approached the Revenue Divisional Officer on 14th December 1927 with a prayer that the order of summary recovery might not be enforced as the building was nearing completion.

4. In connection with this petition the Tahsildar of Mangalore again inspected the loan work and found that instead of rebuilding 2 tenants' houses, the borrowers had constructed a tiled house at an estimated cost of Rs.1076-6-0. Since the work had not been completed within the maximum period of 2 years laid down in the revised note 3 to Rule XXVI of the revised loan rules printed at page 75 of the Takkavi Manual, I refused to cancel the order directing the summary recovery of the amount in my Proceedings Ref.B3-2944-28. dated 5th April 1928. I rejected a further application for reconsideration in my Proceedings L.Dis.5202-28, dated 16th June 1928.

5. The appellants have no reasonable excuse to offer for not completing the work within the time allowed. If they were convinced that there would be floods in 1926, they should obviously not have applied for a loan to be devoted to work which had to be completed that year.

6. The connected records as noted in the margin are submitted.

*
1. Huzur D.Dis.8329-25 dated 1.2.1926.
2. L.Dis.2655-27 dated 9.6.1927.
3. L.Dis.2944-28.
4. L.Dis.5202/28.

Your obedient servant,

For Collector.

Subject.-

)R MEMBER.

AS (Secy)

READ AGAIN B. P. No. _____ dated _____ 192

" " " _____ " " _____ 192

READ ALSO :--

Register No. _____, From _____, No. _____, dated _____ 192

" _____ " " _____, " _____ " _____ 192

" " _____ " " _____, " _____, " _____ 192

~~RESOLUTION.~~ Reger No. 74260/28-2, dated 30-7- 1928

Advances Loans - S. Kanara

Manjalar taluk - Kanjar vill

Uppinakis Subba alias Thim

Summary recovery - Coll^r's

M 9-10-28 ref No. 13-3-5577/28 D 13.7.28

The Coll^r is requested to repo

whether the house that ha

been constructed by the Comm

is a tenants' house and

whether there is any objec

to issuing a second loan

and fixing such period

of repayment as the Commit

may consider, if the Secur

is sufficient.

(Jo) 28/7/W

AUG 1928

30/7/28

To the Coll^r of S. Kanara

with ~~enclosures~~ reads as per list

(x) (1) Letter No. Dis 5329/25 D 1.2.26

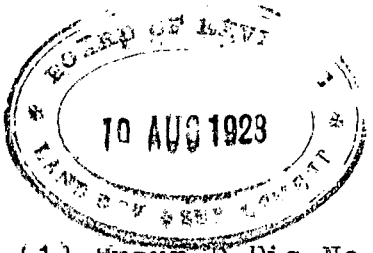
(2) Lr. Dis. 26557/27 D 9.6.27

(3) Lr. Dis 2944/28

(4) Lr. Dis 5202/28

28.7.28

28.7.28



List of Records.

(1) Huzur D.Dis.No.8329/25 dated 1st February 1926.

(2) L.Dis.No.2655/27 dated 9th June 1927.

(3) L.Dis.No.2944/28. and

(4) L.Dis.No.5202/28.

N.N./31-7-1928.

31-7

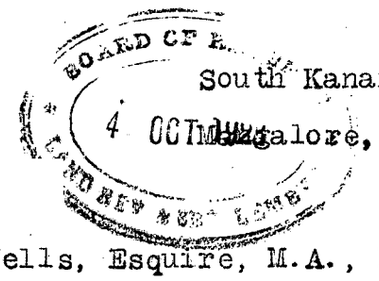
Received

Engr. Headquarters.
8/7/28

Atg
8/7/28.

To, The Bd of Rev
L.R.S

13 6969



South Kanara Collector's Office,
Mangalore, 30th September 1928.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Advances - Loans - Kanara South - Mangalore Taluk - Kenjar village - Ujju alias Subbu Alvathi - Revision of Loan Order - Report submitted.

****

Ref Below Board's Reference No.F.4260-28-2, dated 30th July 1928.

The Tahsildar reports that the house constructed by the borrowers is a tenant's house and that the property secured is sufficient security.

2. The period of repayment fixed when the loan was advanced is ten years. The loan is repayable in nine annual instalments of which two have already been repaid. The property being sufficient security and the house ------- substantial, it does not seem necessary to revise the period of repayment or to issue a revised loan order.

3. The connected records as noted in the margin are submitted.

1. D.Dis.8329-25.
2. L.Dis.2655-27.
3. L.Dis.2944-28.
4. L.Dis.5202-28.

Your obedient servant,

For Collector.

R. F. XXII-A-19.—22,004—1-2-28. (5)

Subject.—

FOR MEMBER.

AS (Self)

Advances. Loans. S Kamara. Mangalore - appeals Secretary Alvathe ramathe - Summary recovery - appeal petn - orders passed.

READ AGAIN B. P. No. _____ dated _____ 192

" " " _____ " _____ 192

READ ALSO :—

Register No. _____, From the _____, No. ~~7426~~ dated _____ 192

" _____ " " _____ 192

" " _____ " " _____ 192

RESOLUTION. Mis No. 340, dated 10-10 1928

In the circumstances reported by the Collr, the Board considers that the work for which the loa was granted to the appellants ~~appellants took the loa~~ loan should be regarde as complete and accordin directs that the orde of Summary recovery pas by the Collr should be cancelled

The petns are referred to Collr of S. Kanara for orde

KRS 9.10.28

JJH 9.10.28

Advances Loans- S.Kanara- Mangalore

Ujju alias Subbu Alvathi—and another

summary recovery- appeal petition.

From

The petitioners and

Collector of South Kanara

F.4260 and 5070.

To A.S.(Sett.)

Please see the appeal petition pp1-5 cf and the report of the Collector S.Kanara at pp.9-10 cf.

2. The petitioners were granted a loan of Rs. 1000 under the A.L.Act for rebuilding two tenants' houses and one year was allowed for completing the wo: The loan amount having been actually di bursed on 20-10-25 the petitioners had complete the work by 20-10-26. ~~In xxxx 1927 the Revenue Inspector inspected the work.~~ The work not having been taken up till the end of the period summary recovery of the full amount of the loa was ordered. In March 27 the petitione represented that the work was not done owing to a superstitious fear which was then current that there would be heavy floods in the year 1926 and applied for ~~xxxxxxxxxx~~ extension of time till June 1927 for the completion of the work. In April 1927 the Revenue Inspect inspected the work and found that the petitioners had spent only Rs.144-8-0 on the construction of a single tenant house, and that the work was not then

in progress. The Tahsildar inspected the work on 23-5-27 and found that the report was correct. He reported to the R.D.O. that the work had been suspended owing to a domestic calamity in the family of the borrowers. The R.D.O. recommended that the order of summary recovery might stand as he considered that the petitioners would not complete the work by 30-6-27, the time asked for by them. The Collector issued orders accordingly.

3. On 14-12-27 the petitioners ~~requested the R.D.O.~~ submitted a petition requesting that the orders of summary recovery might not be enforced had very nearly completed the work and asked for time till the end of January 1928 to finish it. The Tahsildar inspected the work. Please see his report at pp.18-19 of (S). He found that instead of rebuilding 2 tenants houses as required by the order sanctioning the loan, the petitioners had built one tile house and that work to an extent of Rs. 1076-6-0 was done. As the amount spent exceeded the amount of the loan (Rs. 1000), he recommended the work might be regarded as complete. The R.D.O. agreed with the Tahsildar and supported his recommendation. The Collector refused to cancel the order of summary recovery on the ground that the work had not been completed within the maximum period 2 years prescribed in note 3 to Rule XXVI of the Revised Loans ~~Rules~~ Rules. The petitioners thereupon submitted a revision petition, but this was rejected by the Collector.

4. In their appeal the petitioners have adduced no fresh grounds Apart from the fact that the work was not completed within the maximum period of two years prescribed in note 3 to Rule XXVI of the Revised Loans Rules, it is submitted that the loan was granted for the rebuilding of two of the tenants' houses destroyed by the floods of 1924 in S.No 93-9. The work that has been actually done is the construction of one tiled house on the spot. Presumably this house is not intended for the use of the tenants. The amount of the loan should therefore be considered to have been misapplied to a purpose different from that for which it was granted This point is not however referred to in the Collector's order dated 5-4-28 in which the fact that the work was not completed within the maximum period allowed under the rules is urged as the only reason for the order of summary recovery.

JVC
27.7.28

Applying the rules strictly, summary recovery is fully justified in this case. But the petrs. have constructed a house which is valued at more than the loan amount. This case may therefore be dealt with leniently. The Ch. may be asked to report if the house that has been constructed is a tenant's house and whether there is any objection to issuing a revised loan order fixing such period of repayment as he

if the security
is sufficient

Dec
27/7/

AS (OM)

Dec. & Sealed.

KM
28.7.28

28/7/28

JJG
28.7.28

C Reps issued F 4260/28-27 30.7.28 p11 4

Reply from the Coll. F 6969 J p13 4

AS (Sels)

Please see the Coll's reply at-

The house constructed by the borrowers is reported to be a tenants' house. The loan cannot be regarded as having been misapplied. The only reason assigned by the Coll for ordering the immediate recovery of the loan is the non-completion of the work even within two years the maximum period allowed under the

have is substantial & the
the security is sufficient. I
add that ~~that~~ it is unnec
to revise the period of repaym
or to issue a revised loan
& the amount spent exce
the amount of the loan, the
work may be regarded as
complete and the order of
Summary recovery passed
by the Coll[r] may be cancelled
For orders
Kpl JJH
5.10.28 6.10...

KJ (acting)
Draft Subm[n]
km 9/10/28
9.10.28
JJH
9-10-28